

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

**CHARLES BREWER, individually and on  
behalf of all current and former employees  
of Defendant,**

**Plaintiff(s),**

**vs.**

**GENERAL NUTRITION CORPORATION,**

**Defendant(s).**

**Case No.: 11-CV-03587 YGR**

**ORDER REGARDING PARTIES' JOINT  
DISCOVERY LETTER**

Having carefully considered the parties' joint letter brief, the exhibits attached thereto (Dkt. Nos. 39 & 39-1), the excerpts from the depositions of James Inlow and Paul Katz, the argument of counsel, and the transcript of the hearing, the Court finds that Plaintiff has made a sufficient showing to move forward with respect to the following issues:

1. *Class Discovery:* Plaintiff has established that he is entitled to class discovery on Defendant's Bank Deposit Policy in California only, not nationwide.

2. *Depositions of Store Employees with Closing Duties:* Plaintiff may take up to 30 depositions, not to exceed one hour each. The parties are to meet and confer to decide the process of selecting a representative sample of employees from stores throughout California.

3. *Payroll Documents Relating to Off-The-Clock Bank Deposits:* Defendant must produce documents sufficient to show compensation for off-the-clock bank deposits. The parties shall meet and confer regarding the most efficient way to produce this information and the appropriate levels of privacy protection.

1 To the extent that Defendant's responses to these or other requests for production are that no  
2 documents exist, or where there is a genuine dispute about whether Defendant has produced all  
3 documents, Defendant must provide a verified response that it has produced all responsive documents

4 The Court will not take any further action with respect to the parties' Joint Letter re Discovery  
5 Dispute filed on March 29, 2012, Dkt. No. 39. With the understanding of the Court's position on the  
6 issues addressed in this Order, the parties shall meet and confer to resolve any remaining discovery  
7 issues. If the parties need further guidance, they will need to file an additional joint letter brief.

8 The case management conference set for June 11, 2012 is **CONTINUED to Monday, July 23,**  
9 **2012.**

10 **IT IS SO ORDERED.**  
11 **Date: June 5, 2012**

  
YVONNE GONZALEZ ROGERS  
UNITED STATES DISTRICT COURT JUDGE

United States District Court

Northern District of California